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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 UNITED STATES OF AMERICA, ) CR No. 03-07-70348 BZ  
19 Plaintiff, ) STIPULATION AND [PROPOSED] ORDER  
20 v. ) EXCLUDING TIME  
21 GILSON ARAUJO aka GILVAN )  
22 LEANDRO THOMAZELE, )  
23 Defendant. )

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24 \_\_\_\_\_ On July 30, 2007, the parties in this case appeared before the Court and stipulated that  
25 time should be excluded from the Speedy Trial Act calculations from July 30, 2007 through  
26 August 14, 2007. The parties represented that The Government has and is continuing to provide  
27 discovery to the defendant. Further, counsel for the Government and defense counsel are  
28 currently discussing pre-indictment resolution of this matter. Finally, counsel for the defendant  
does not believe it is within his client's best interest to hold a preliminary hearing within 10 days,  
pursuant to Fed. R. Crim. P. 5.1(c),(d). The parties represent that granting this continuance is  
necessary for effective preparation of counsel to permit defense counsel to review discovery and

1 to afford counsel time to discuss pre-indictment resolution, taking into account the exercise of  
2 due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

3 IT IS SO STIPULATED.

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5 SCOTT N. SCHOOLS  
6 United States Attorney  
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8 DATED: July 30, 2007

9  
10 /s/  
11 DENISE MARIE BARTON  
12 Assistant United States Attorney  
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14 DATED: July 30, 2007

15 /s/  
16 ALAN DRESSLER  
17 Attorney for GILSON ARAUJO aka  
18 GILVAN LEANDRO THOMAZELE  
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20 **IT IS SO ORDERED.**

21 As the Court found on July 30, 2007, and for the reasons stated above, the Court finds that  
22 the ends of justice served by the continuance outweigh the best interests of the public and the  
23 defendant in a speedy trial and that time should be excluded from the Speedy Trial Act  
24 calculations from July 30, 2007 through August 14, 2007 for effective preparation of counsel.  
25 See 18 U.S.C. §3161(h)(8)(A). The failure to grant the requested continuance would deny the  
26 defendant continuity of counsel and effective preparation of counsel, taking into account the  
27 exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C.  
28 §3161(h)(8)(B)(iv).

29 DATED: \_\_\_\_\_

30 \_\_\_\_\_  
31 Honorable James Larson  
32 United States Magistrate Judge  
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